

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TROY HERD,

Petitioner,

v.

No. CIV 08-1040 MCA/LFG

GEORGE TAPIA, Warden , and
GARY K. KING, Attorney General for
the State of New Mexico

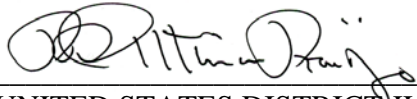
Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS
AND RECOMMENDED DISPOSITION
AND DISMISSING ACTION WITH PREJUDICE**

THIS MATTER is before the Court on the Magistrate Judge's Findings and Recommended Disposition, filed March 31, 2009 [Doc. 14]. Plaintiff Troy Herd ("Mr. Herd") did not file objections, and the deadline for filing objections has passed. The Court accepts the Magistrate Judge's findings and recommendation that Mr. Herd's § 2254 petition be denied, that any request to amend be denied, and that the matter be dismissed, with prejudice.

IT IS HEREBY ORDERED that the United States Magistrate Judge's Findings and Recommended Disposition are adopted by the Court.

IT IS FURTHER ORDERED that Petitioner Troy Herd's § 2254 petition be denied, that any request to amend be denied, and that this matter is dismissed, with prejudice.


4/29/09
UNITED STATES DISTRICT JUDGE